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09/15/2003

Yuji Hikawa

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03/04/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

LEE, PHILIP C

ART UNIT

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2452

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,503	Applicant(s) HIKAWA ET AL.	
	Examiner PHILIP C. LEE	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 18-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/08</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment and remarks filed on December 19, 2008.
2. Newly submitted claims 18-23 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Group II, Claims 18-23 have separate utility from Group I, claims 1-17, because of “receiving setting of a second notice condition indicating a notice condition different from a first notice condition set in advance for each service obtained from each service processing device and sending a notice based solely on the second notice condition”. Group I, Claims 1-17 have separate utility from Group II, Claims 18-23, because of “indicating at least one of predetermined types of communication to notify the event and sending notice based on the at least one of the predetermined types of communication to notify the event”. Because these inventions are distinct and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper. The search for the invention of Group II would require employing different search queries (e.g., indicating a second (notice or notification); (defining or specifying) a second (notice or notification)), while the search for the invention of Group I would not.
3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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4. Claims 1-17 are presented for examination.
5. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 101

6. Claims 5-17 are rejected under 35 U.S.C. 101 because “A device” comprising servers (i.e., software) does not include any functional physical structure of a device to be a machine. “A device” comprising servers (i.e., software) is considered as program per se, which is not one of the categories of statutory subject matter.

7. It is noted that “A system” / “A device” are lacking the necessary structural/mechanical element to be a system/a device (i.e., hardware) as claims appear directed solely to software elements/processes. Accordingly, the rejections are maintained.

Claim Rejections – 35 USC 103

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung, U.S. Patent 7,069,536 (hereinafter Yaung) in view of Collier et al, U.S. Patent 5,815,152 (hereinafter Collier).
9. Yaung was cited in the previous office action.

10. As per claim 1, Yaung teaches the invention substantially as claimed in which specified multiple processings of document data are processed in a cooperative manner on a network (col. 4, lines 37-46), comprising: a script creation server that creates indication data to indicate multiple processings performed to document data (creates a workflow to define the sequence and the order in which the nodes are processed) (col. 5, lines 23-53; col. 7, lines 10-19), and notice condition data to indicate an event to be notified regarding progress of the multiple processings (to notify a user when not completed) (col. 6, lines 20-38) and a way to notify the event (fig. 3; col. 6, lines 9-13); at least one processing device that performs the multiple processings based on the indication data received from the script creation server (col. 3, lines 17-19, 32-38); a cooperative processing server that manages the progress of multiple processing (manages the execution of processes for the workflow defined, manages processes and states, communicates with user of part of workflow) (col. 3, lines 32-38; col. 7, lines 23-27, 34-36); and sends a notice during the progress of the multiple processings based on the event to be notified indicated in the notice condition data received from the script creation server (sending notification, col. 6, lines 31-34; col. 7, lines 55-59).

11. Yaung does not teach indicate at least one of predetermined types of communication to notify the event. Collier teaches a server that creates data to indicate at least one of predetermined types of communication to notify an event and sends notice based on the at least one of the predetermined types of communication to notify the event (330, fig. 15; col. 9, lines 4-28; col. 6, lines 59-67).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung and Collier because Collier's teaching of at least one of predetermined types of communication to notify the event would increase the user flexibility of Yaung's system by allowing a user to specify how an event should be notified.

13. As per claim 3, Yaung teaches the invention substantially as claimed in which specified multiple processings of document data are processed in a cooperative manner on a network (col. 4, lines 37-46), comprising: creating indication data to indicate multiple processings performed to a document (creates a workflow to define the sequence and the order in which the nodes are processed) (col. 5, lines 23-53; col. 7, lines 10-19), and notice condition data to indicate an event (to notify a user when not completed) (col. 6, lines 20-38) to be notified regarding process of the multiple processings (fig. 3; col. 6, lines 9-13); managing the progress of the multiple processings (manages the execution of processes for the workflow defined, manages processes and states, communicates with user of part of workflow) (col. 3, lines 32-38; col. 7, lines 23-27, 34-36); and sending a notice during the progress of the multiple processings based on the event to be notified indicated in the notice condition data (sending notification, col. 6, lines 31-34; col. 7, lines 55-59).

14. Yaung does not teach indicate at least one of predetermined types of communication to notify the event. Collier teaches creating indication data to indicate at

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least one of predetermined types of communication to notify an event and sending notice based on the at least one of the predetermined types of communication to notify the event (330, fig. 15; col. 9, lines 4-28; col. 6, lines 59-67).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung and Collier because Collier's teaching of at least one of predetermined types of communication to notify the event would increase the user flexibility of Yaung's system by allowing a user to specify how an event should be notified.

16. As per claim 5, Yaung teaches the invention substantially as claimed for managing progress of multiple processings in a service processing system in which the multiple processings to document data are processed in a cooperative manner on a network (col. 4, lines 37-46), comprising: a script creation server that creates indication data to indicate the multiple processings (creates a workflow to define the sequence and the order in which the nodes are processed) (col. 5, lines 23-53; col. 7, lines 10-19), and notice condition data to indicate an event to be notified regarding progress of the multiple processings (to notify a user when not completed) (col. 6, lines 20-38; fig. 3; col. 6, lines 9-13); a cooperative processing server that manages the progress of the multiple processings (manages the execution of processes for the workflow defined, manages processes and states, communicates with user of part of workflow) (col. 3, lines 32-38; col. 7, lines 23-27, 34-36) and sends a notice during the progress of the multiple processings based on the event to be notified indicated in the notice condition data

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received from the script creation server (sending notification, col. 6, lines 31-34; col. 7, lines 55-59).

17. Yaung does not teach indicate at least one of predetermined types of communication to notify the event. Collier teaches a server that creates data to indicate at least one of predetermined types of communication to notify an event and sends notice based on the at least one of the predetermined types of communication to notify the event (330, fig. 15; col. 9, lines 4-28; col. 6, lines 59-67).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung and Collier because Collier's teaching of at least one of predetermined types of communication to notify the event would increase the user flexibility of Yaung's system by allowing a user to specify how an event should be notified.

19. As per claim 6, Yaung teaches the invention substantially as claimed for managing progress of multiple processings in a service processing system in which the multiple processings to document data are processed in a cooperative manner on a network (col. 4, lines 37-46), comprising: a script management server that receives indication data to indicate the multiple processing (receives the sequence and the order in which the nodes are processed in a workflow) (col. 5, lines 23-53; col. 7, lines 10-19), and notice condition data to indicate an event to be notified regarding progress of the multiple processings (to notify a user when not completed) (col. 6, lines 20-38; fig. 3; col.

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6, lines 9-13); a cooperative processing server that manages the progress of the multiple processings (manages the execution of processes for the workflow defined, manages processes and states, communicates with user of part of workflow) (col. 3, lines 32-38; col. 7, lines 23-27, 34-36) and sends a notice during the progress of the multiple processings based on the event to be notified indicated in the notice condition data (sending notification, col. 6, lines 31-34; col. 7, lines 55-59).

20. Yaung does not teach indicate at least one of predetermined types of communication to notify the event. Collier teaches a server that creates data to indicate at least one of predetermined types of communication to notify an event and sends notice based on the at least one of the predetermined types of communication to notify the event (330, fig. 15; col. 9, lines 4-28; col. 6, lines 59-67).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung and Collier because Collier's teaching of at least one of predetermined types of communication to notify the event would increase the user flexibility of Yaung's system by allowing a user to specify how an event should be notified.

22. As per claim 7, Yaung teaches the invention substantially as claimed in a service processing system in which multiple processings to document data are processed in a cooperative manner on a network (col. 4, lines 37-46), comprising: a script management server that receives indication data to indicate the multiple processings (receives the

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sequence and the order in which the nodes are processed in a workflow) (col. 5, lines 23-53; col. 7, lines 10-19), and notice condition data to indicate an event to be notified regarding the multiple processings (to notify a user when not completed) (col. 6, lines 20-38; fig. 3; col. 6, lines 9-13); a cooperative processing server that manages progress of the multiple processings (manages the execution of processes for the workflow defined, manages processes and states, communicates with user of part of workflow) (col. 3, lines 32-38; col. 7, lines 23-27, 34-36) and sends a notice during the progress of the multiple processings based on the event to be notified indicated in the notice condition data received from the indication data reception part(sending notification, col. 6, lines 31-34; col. 7, lines 55-59).

23. Yaung does not teach indicate at least one of predetermined types of communication to notify the event. Collier teaches a server that creates data to indicate at least one of predetermined types of communication to notify an event and sends notice based on the at least one of the predetermined types of communication to notify the event (330, fig. 15; col. 9, lines 4-28; col. 6, lines 59-67).

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung and Collier because Collier's teaching of at least one of predetermined types of communication to notify the event would increase the user flexibility of Yaung's system by allowing a user to specify how an event should be notified.

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25. As per claims 2 and 4, Yaung and Collier teach the invention substantially as claimed in claims 1 and 3 above. Yaung and Collier further teach comprising a notice form change part that varies the at least one of the predetermined types of communication to notify the event recited in the notice condition data received from the indication data creation part in a case where a specific user performs a processing different from the multiple processings indicated in the indication data (in case when user modifies the defined workflow (e.g., changing or adding a node to the workflow), the user can varies the setting used to notify the event associated with the modified workflow) (see Yaung, col. 12, lines 11-15, 40-48; see Collier col. 9, lines 4-28; col. 6, lines 59-67).

26. Claims 8, 12, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung and Collier in view of Ouchi, U.S. Patent Application Publication 2003/0061266 (hereinafter Ouchi).

27. Ouchi was cited in the previous office action.

28. As per claims 8 and 13, Yaung and Collier teach the invention substantially as claimed in claims 6 and 7 above. Yaung and Collier do not teach gives notice of execution completion. Ouchi teaches sends the notice when the multiple processings are completed ([0032]).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung, Collier and Ouchi because

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Ouchi's teaching of notice of execution completion would enhance the notification mechanism in Yaung's and Collier's systems by providing notification of task progress or completion in a workflow.

30. As per claims 12 and 17, Yaung and Collier teach the invention substantially as claimed in claims 6 and 7 above. Yaung and Collier do not teach sends a notice in a case where a pay server or service is about to be executed. Ouchi teaches sends the notice in a case where service which needs to be paid (e.g., must include fees for filing a permit application to the county) is about to be executed ([0033] and [0024]) (message to initiate).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung, Collier and Ouchi because Ouchi's teaching of notice in a case where a pay server or service is about to be executed would enhance the notification mechanism in Yaung's and Collier's systems by providing notification of task progress or completion in a workflow.

32. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung and Collier in view of Tarumi et al, U.S. Patent 5,918,226 (hereinafter Tarumi).

33. Tarumi was cited in the previous office action.

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34. As per claims 9 and 14, Yaung and Collier teach the invention substantially as claimed in claims 6 and 7 above. Yaung and Collier do not teach notice in a case where progress different from progress of the job recited in the indication data occurs. Tarumi teaches sending the notice in a case where a processing different from the multiple processings recited in the indication data occurs (col. 25, lines 38-49).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung, Collier and Tarumi because Tarumi's teaching of sending a notice in a case where progress different from progress of the job recited in the indication data occurs would enhance the notification mechanism in Yaung's and Collier's systems by providing notification of task progress or completion in a workflow.

36. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung and Collier in view of Ghaffar, U.S. Patent 7,200,860 (hereinafter Ghaffar).

37. Ghaffar was cited in the previous office action.

38. As per claims 10 and 15, Yaung and Collier teach the invention substantially as claimed in claims 6 and 7 above. Yaung and Collier do not teach sends a notice in a case where an access to a file for a secret document occurs. Ghaffar teaches sending the notice in a case where an access to a file for a secret document occurs (col. 4, lines 8-19).

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39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung, Collier and Ghaffar because Ghaffar's teaching of sending a notice in a case where an access to a file for a secret document occurs would increase the security of Yaung's and Collier's systems by displaying a warning of an unauthorized access attempt to system operator.

40. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaung and Collier in view of Palekar et al, U.S. Patent Application Publication 2006/0005229 (hereinafter Palekar).

41. Palekar was cited in the previous office action.

42. As per claims 11 and 16, Yaung and Collier teach the invention substantially as claimed in claims 6 and 7 above. Yaung and Collier do not teach sends a notice in a case where login to a specified server occurs. Palekar teaches sending the notice in a case where login to a specified server occurs ([0033]).

43. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yaung, Collier and Palekar because Palekar's teaching of sending a notice in a case where login to a specified server occurs would increase the security of Yaung's and Collier's systems by providing login information as a notification in order to determine user's permission to access a server.

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44. Applicant's arguments filed 12/19/08 have been fully considered but they are not persuasive.

45. In the remarks, applicant argued that:

- (1) Claims 1-2 and 5-17 are statutory subject matter.
- (2) Yaung fails to teach how the notification is sent and multiple types of communication to send the notification.
- (3) None of the cited prior arts teach the claims of 18-23.

46. In response to point (1), for examination purpose, the claimed “processing device” in claim 1 is interpreted as “image processing devices 61” according to page 16, lines 13-14 of the specification. Accordingly, the claimed system of claim 1 include a physical part of a device, the rejections of claims 1 and 2 under 35 U.S.C. 101 are withdrawn. As per claims 5-17, the claimed device does not inherent mean that the claim is directed to a machine. Only if at least one of the claimed elements of the device is a physical part of a device can the claimed device constitutes as part of a device to be a machine. The cited portion of the specification cited on page 10, line 1 of the remark filed on 12/19/2008 does not disclose the claimed “script creation server” and “cooperative processing server” as physical element of a device. Accordingly, the rejections for claims 5-17 are maintained.

47. In response to point (2), applicant’s arguments are moot in view of new ground(s) of rejection.

48. In response to point (3), applicant's arguments are moot in view of election by Original Presentation.

49. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leymann et al, US 6,122,633; Toh et al, US 2002/0129238

50. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin

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Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2452